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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/765,975  | 01/19/2001  | Hiroyuki Koreeda     | 16869N020500        | 8208             |
| 20350   | 7590        | 09/23/2005           | EXAMINER            |                  |
| TOWNSEND AND TOWNSEND AND CREW, LLP<br>TWO EMBARCADERO CENTER<br>EIGHTH FLOOR<br>SAN FRANCISCO, CA 94111-3834 |             |                      | MANNING, JOHN       |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2614                |                  |

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/765,975 | Applicant(s)<br>KOREEDA ET AL. |  |
|                              | Examiner<br>John Manning      | Art Unit<br>2614               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-19 and 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al. (US Pat No 5,974,218).

In regard to claim 16, Nagasaka discloses a method for presentation of information of a recorded television program for allowing user to seize easily and quickly content/composition thereof, and an easily manipulable interface therefor (abstract). The claimed limitation of “a source to provide audio/visual information which constitutes a digital broadcast program, the audio/visual information having associated therewith attribute information representative of a plurality of attributes of the audio/visual information, wherein one or more digital broadcast programs can be received, each digital broadcast program having its associated attributes” is met by Figure 1. “Motion pictures (hereinafter referred to as the video) such as those of television programs broadcast through the medium of a ground wave, satellite broadcasting, cable network or the like are received by the television receiver or the video recording/reproducing apparatus, whereon video signals as obtained are fetched by way of the video digitizer 12” (Col 7, Lines 18-24). Where the extraction of the attribute information is shown in Figure 4. The claimed limitation of “data storage to store the audio/visual information

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and its associated attribute information" is met by the video recording/reproducing apparatus 1202 of Figure 1. The claimed limitation of "an index generator to produce index information based on the attribute information, the index generator being associated with retrieval criteria used to select a plurality of first attributes from the attribute information" is met by Figure 1, Item 143. The main memory 14 of Figure 1 contains "a digest making program 143 for generating or making a digest picture by using the frame pictures made available by the picture fetch program 142" (Col 6, Lines 43-45). The claimed limitation of "a transmitter operative to transmit the executable code as a transmitted signal" is met by Figure 1, Item 144. "Now, the digest output program is executed, whereby the digest picture is outputted to the television receiver. The digest picture as outputted can be displayed in one of several display modes, which will be elucidated later on by reference to FIGS. 5, 7 and 11. When the user inputs a request for change of the digests picture display mode (step 1408), a digest picture display mode change-over processing is performed for changing the current display mode to other one commanded by the user (step 1409). On the other hand, when the user inputs a command for printing out a digest picture by the printer, the digest picture being displayed on the television receiver is converted into an appropriate printer control code signal to subsequently undergo a print processing by the printer (step 1411). Furthermore, when a representative picture of a shot or scene (hereinafter also referred to as the shot-representative picture) selected from the digest pictures being displayed on the television receiver (step 1412), the video recording/reproducing apparatus is so controlled by the reproduction control program 148 that the reproducing operation is

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performed on the recording medium placed or loaded in the video recording/reproducing apparatus, starting from the position designated by the selected shot-representative picture (step 1413). Reproducing operation of the video recording/reproducing apparatus is enabled (step 1415) until a signal indicating an end of reproduction of the video from the video recording/reproducing apparatus is detected in a step 1414. Upon detection of the video reproduction end signal mentioned above, the digest making apparatus resumes the state which takes place immediately after execution of the activation program" (Col 8, Lines 6-36).

In regard to claims 17-18, the reference discloses that the source may be either a storage medium of a receiver. "Motion pictures (hereinafter referred to as the video) such as those of television programs broadcast through the medium of a ground wave, satellite broadcasting, cable network or the like are received by the television receiver or the video recording/reproducing apparatus, whereon video signals as obtained are fetched by way of the video digitizer 12" (Col 7, Lines 18-24).

In regard to claim 19, the claimed limitation of "the index information includes one or more of a title of the broadcast program, a channel, a broadcast time, or genre information" is met by Figure 5. "In FIG. 5, a reference numeral 506 denotes a typical example of a list of shot-representative pictures (i.e., an example of the digest list picture) as displayed. Information as displayed contains information concerning the date of recording a relevant video (television program) for which a digest picture is to be generated and a sequence of shot-representative pictures extracted from the individual

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shots or scenes, respectively, of the video (or television program)" (Col 8, Lines 66-67; Col 9, Lines 1-7).

In regard to claim 24, Nagasaka discloses receiving a television signal from a ground wave, satellite broadcasting, cable network or the like. Therefore the system has a demodulator and demultiplexer.

In regard to claim 25, claimed limitations of "a receiver to receive audio/visual information and executable code, the audio/visual information constituting a plurality of broadcast programs, the broadcast programs having associated therewith attribute information representative of a plurality of attributes of the audio/visual information, wherein the executable code includes data representative of index information, the index information comprising one or more of the attributes" and "an execution unit to process the executable code, whereby the index information can be presented to a user thus identifying one or more broadcast programs associated with the index information, whereby a user can select one of the one or more broadcast programs" are met by that discussed above for claim 16. The claimed limitation for "a display to display a selected one of the one or more broadcast programs" is met by Figure 12, Item 1203.

In regard to claim 26-27, Nagasaka discloses a user interface and displaying the digest on the display. "Now, the digest output program is executed, whereby the digest picture is outputted to the television receiver. The digest picture as outputted can be displayed in one of several display modes, which will be elucidated later on by reference to FIGS. 5, 7 and 11. When the user inputs a request for change of the digests picture display mode (step 1408), a digest picture display mode change-over processing is

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performed for changing the current display mode to other one commanded by the user (step 1409)" (Col 8, Lines 6-14).

In regard to claim 28, the claimed limitation of "the index information includes one or more of a title of the broadcast program, a channel, a broadcast time, or genre information" is met by Figure 5. "In FIG. 5, a reference numeral 506 denotes a typical example of a list of shot-representative pictures (i.e., an example of the digest list picture) as displayed. Information as displayed contains information concerning the date of recording a relevant video (television program) for which a digest picture is to be generated and a sequence of shot-representative pictures extracted from the individual shots or scenes, respectively; of the video (or television program)" (Col 8, Lines 66-67; Col 9, Lines 1-7).

In regard to claim 29, the claimed limitation of "a data store for storing a plurality of audio/visual content received from one or more source media, each content being associated with attribute information, each content representing a broadcast program that can be viewed by a user" is met by Figure 1, Item 1202. The claimed limitation of "an executable content retrieval program for retrieving a selected one of said audio/visual content from among said plurality of audio/visual content" is met by Figure 1, Item 148. The claimed limitation of "an first generator to generate index information from the attribute information" is met by Figure 1, Item 143. The claimed limitation of "a second generator to generate the executable content retrieval program, wherein the index information is incorporated in the executable content retrieval program" is met by Figure 1, Item 144. The claimed limitation of "a transmitter to transmit the audio/visual

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content, the attribute information, and the executable content retrieval program as a transmitted signal to a receiving device" is met by Figure 1, Item 144. "Now, the digest output program is executed, whereby the digest picture is outputted to the television receiver. The digest picture as outputted can be displayed in one of several display modes, which will be elucidated later on by reference to FIGS. 5, 7 and 11. When the user inputs a request for change of the digests picture display mode (step 1408), a digest picture display mode change-over processing is performed for changing the current display mode to other one commanded by the user (step 1409). On the other hand, when the user inputs a command for printing out a digest picture by the printer, the digest picture being displayed on the television receiver is converted into an appropriate printer control code signal to subsequently undergo a print processing by the printer (step 1411). Furthermore, when a representative picture of a shot or scene (hereinafter also referred to as the shot-representative picture) selected from the digest pictures being displayed on the television receiver (step 1412), the video recording/reproducing apparatus is so controlled by the reproduction control program 148 that the reproducing operation is performed on the recording medium placed or loaded in the video recording/reproducing apparatus, starting from the position designated by the selected shot-representative picture (step 1413). Reproducing operation of the video recording/reproducing apparatus is enabled (step 1415) until a signal indicating an end of reproduction of the video from the video recording/reproducing apparatus is detected in a step 1414. Upon detection of the video reproduction end signal mentioned above, the digest making apparatus resumes the



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state which takes place immediately after execution of the activation program" (Col 8, Lines 6-36). The claimed limitation of "wherein the receiving device comprises a receiver to receive the transmitted signal and a computing unit to execute the content retrieval program whereby a user can select a broadcast program for viewing" is met by Figure 12, Item 1203 and Figure 1, Item 13. The television receiver is part of the audio/visual information system, which uses the CPU to execute programs.

In regard to claim 30, the activation program 141 of Figure 1 acts as the claimed interpreter program.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al.

In regard to claim 20, Nagasaka fails to disclose the method by which the digest is transmitted to the receiver. Official Notice is taken that it is notoriously well known in the art to multiplex two or more signals so as to require only one communications circuit. Consequently, it would have been obvious to one of ordinary skill in the art to implement Nagaska with a multiplexer for the stated advantage.

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In regard to claim 21, Nagasaka fails to disclose the method by which the digest is transmitted to the receiver. Official Notice is taken that it is notoriously well known in the art to utilize multiple physical channel for transmitting multiple signals so as to simplify the transmission structure. Consequently, it would have been obvious to one of ordinary skill in the art to implement Nagaska with multiple physical channels for transmitting multiple signals for the stated advantage.

In regard to claims 22-23, Nagasaka fails to disclose the type of code used. Official Notice is taken that it is notoriously well known in the art to selectively use a plurality of languages, such as BML, HTML, ECMS or Java so as to utilize a language that is most effective with the task performed. Consequently, it would have been obvious to one of ordinary skill in the art to implement Nagaska with use of a plurality of languages, such as BML, HTML, ECMS or Java for the stated advantage.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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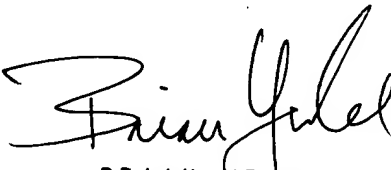
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
September 16, 2005

  
BRIAN YENKE  
PRIMARY EXAMINER